

Office of Administrative Hearings for Baltimore County
105 West Chesapeake Avenue Suite 103
Towson, Maryland 21204

In the Matter of

Civil Citation No. 109847

Rajesh Kumar
C/o Royal Pizza
8739 Stone House Drive
Ellicott City, MD 21093

6920 C German Hill Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on June 12, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 21-19-102; 21-19-103: failure to cease the delivery of more than one unsolicited advertising circular to a residential address in the county within and 6 month time period, failure to include on all solicitations the notice required for notification regarding non- delivery.

On May 17, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Dan O'Neill issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The following persons appeared for the Hearing and testified: Rajesh Kumar, Respondent and, Karen Huber, complainant and, Dan O'Neill, Baltimore County Code Enforcement Officer.

Testimony was presented that, upon a citizen complaint, the Inspector investigated the above allegation. He received circulars left at the Complainants house on 4/29/12 and 5/6/12 for Royal Pizza; neither of which had the required information as to non-solicitation. As a result, the appropriate Citation was issued and mailed to the Respondent. Ms. Huber testified as to her receipt of the flyers and her giving them to the inspector. The Respondent, who appeared before me on two previous occasions for the same violations could not explain his failure to comply with the previous orders.

Having heard the testimony and evidence presented at the Hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars) in the instant matter, \$300.00 (three hundred dollars) previously suspended pursuant to my Order dated February 25, 2011 and \$700.00 (seven hundred dollars) previously suspended pursuant to my Order dated March 27, 2012, for a total fine of \$2,000.00 (two thousand dollars).

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 19 day of June 2012

Signed: _____
Lawrence M. Stahl
Managing Administrative Law Judge

NOTICE: Pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent or Baltimore County may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$225.00 and the posting of security in the amount of the penalty assessed.